

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF VIRGINIA**  
**Richmond Division**

ASHLEY COX, *et al.*, )  
v. )  
ELLEN MARIE HESS, )  
in her official capacity as Commissioner )  
of the Virginia Employment Commission, )  
DEFENDANT. )  
PLAINTIFFS, )  
Case No: 3:21cv253-HEH

## **JOINT STATUS REPORT**

All parties, by counsel, submit this joint status report in response to the Court's August 25, 2021 Order (ECF No. 42). For the reasons described below, the parties respectfully seek leave to file an additional status report on or before October 15, 2021 detailing a path to resolve the remaining issues in the case.

1. The Court’s August 25, 2021 Order directs the parties “to meet and devise a path to resolve the remaining issues” and to “provide the Court with a status report detailing the benchmarks for resolution within thirty (30) days.” *Id.*

2. Since the entry of the Court’s August 25, 2021 Order, the parties have been working diligently to identify the remaining issues and establish appropriate benchmarks. The parties have exchanged substantive written proposals, there have been two lengthy meetings with counsel and the Virginia Employment Commission (“VEC”), and the parties continue to exchange information.

3. Notwithstanding that good-faith effort, the parties agree that the Court's goal (which the parties share) of "devis[ing] a path to resolve the remaining issues" would be best served if the

parties could continue their work for an additional period before filing an additional status report. The parties respectfully request that the Court permit them to provide an additional status report on or before October 15, 2021, which will include the number of first-level appeals currently pending before the VEC.

September 24, 2021

Respectfully submitted,

ELLEN MARIE HESS, in her official capacity  
as Commissioner of the Virginia Employment  
Commission

By: \_\_\_\_\_ /s/

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of themselves and all others similarly situated

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